

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Casey Johns,

Petitioner

v.

Perry Russell, et. al,

Respondents

Case No.: 2:23-cv-00094-CDS-VCF

Order Dismissing Case

[ECF No. 1]

Petitioner has filed an application to proceed *in forma pauperis* and a habeas petition.¹

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner has not complied with either requirement. The application is therefore incomplete.

The application for leave to proceed *in forma pauperis* will be denied, and the present action will be dismissed without prejudice to the filing of a **new** petition in a **new** action with a pauper application on the proper form with all required attachments.

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is DENIED and that this action shall be DISMISSED without prejudice to the filing of a **new** petition in a **new** action with a properly completed pauper application.

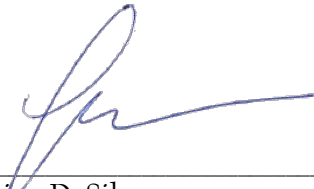
IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists of reason would not find the court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

¹ ECF No. 1.

1 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an
2 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section
3 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers
4 that he submitted in this action.

5 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close
6 this case.

7 Dated: January 26, 2023

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10 Cristina D. Silva
11 United States District Judge
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